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Peter Lisec

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EXAMINER

DEXTER, CLARK F

ART UNIT

PAPER NUMBER

3724

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/578,365	Applicant(s) LISEC, PETER	
	Examiner Clark F. Dexter	Art Unit 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/5/06</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The information disclosure statement filed on May 5, 2006 has been received and the U. S. Patent Documents listed thereon have been considered with the following exception(s).

The information disclosure statement fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. Accordingly, these documents have been lined-through and have not been considered.

Claim Objections

3. Claims 5-13 and 16-20 are objected to because of the following informalities:

In claims 5 and 16-18, line 6 of each claim, it seems that a comma --,-- is missing after "gap" and should be inserted for clarity.

Appropriate correction is required.

Claim Rejections - 35 USC § 112, 2nd paragraph

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 3, the recitation “on either side” is vague and indefinite as to what is being set forth, particularly since it is not clear whether it refers to pressure being applied to (either) one of the sides, or to both sides; in line 6, the recitation “a scored line” is vague and indefinite as to whether it refers to that previously set forth or to another such scored line; in line 7, the recitation of “ “convex” ” (i.e., in quotations) renders the limitation vague and indefinite as to what is intended thereby and thus what is meant thereby; in lines 8-9, the recitation “a scored line” is vague and indefinite as to whether it refers to that previously set forth or to another such scored line; in line 12, the recitation “on either side” is vague and indefinite as to what is being set forth, particularly since it is not clear whether it refers to pressure being applied to (either) one of the sides, or to both sides; in line 14, the recitation “there scored line” is vague and indefinite as to what is being set forth.

In claim 2, line 3, the recitation “on either side” is vague and indefinite as to what is being set forth, particularly since it is not clear whether it refers to pressure being applied to (either) one of the sides, or to both sides; in line 5, the recitation of “pressure”

is vague and indefinite as to whether it refers to one of the recitations of “pressure” previously set forth or to another such pressure being applied.

In claim 3, line 2, the recitation of “pressure” is vague and indefinite as to whether it refers to one of the recitations of “pressure” previously set forth or to another such pressure being applied.

In claim 4, line 2, the recitation of “uniform pressure” is vague and indefinite as to whether it refers to one of the recitations of “pressure” previously set forth or to another such pressure being applied.

In claim 5, line 3, the recitation “in which” is vague and indefinite as to what it refers; in line 5, “the supports” lacks positive antecedent basis; in lines 7-9, the recitation “which in the area of one end of the scored line of the glass sheet applied pressure to one side of the glass sheet in which the scored line is provided” renders the claim vague and indefinite since the invention is being positively defined in terms of the workpiece (i.e., the glass sheet) which is not part of the claimed invention.

In claim 6, line 2, the recitation of “essentially” renders the claim vague and indefinite as to what is intended thereby; in line 3, the recitation “directed at the glass sheet” renders the claim vague and indefinite since the invention is being positively defined in terms of the workpiece (i.e., the glass sheet) which is not part of the claimed invention.

In claim 8, lines 3-4, the recitation “the support surface [of] the glass sheet” is vague and indefinite as to what is being set forth, appears to lack positive antecedent basis, and further renders the claim vague and indefinite since the invention is being

positively defined in terms of the workpiece (i.e., the glass sheet) which is not part of the claimed invention.

In claim 9, line 2, "the piston" lacks antecedent basis; in line 3, the recitation "with a pivoting capacity" renders the claim vague and indefinite, particularly as to what this recitation refers.

In claim 10, lines 2-3, the recitation "its neutral position" lacks antecedent basis.

In claim 12, lines 2-3, the recitation "the devices for holding down the glass sheet on the support surface" lacks positive antecedent basis; in line 4, the recitation "on either side" is vague and indefinite as to what is being set forth, particularly since it is not clear whether it refers to pressure being applied to (either) one of the sides, or to both sides.

In claim 13, line 3, the recitation "in the direction of the scored line" renders the claim vague and indefinite since the invention is being positively defined in terms of the workpiece (i.e., the glass sheet) which is not part of the claimed invention.

In claim 14, line 1, the recitation of "pressure" is vague and indefinite as to whether it refers to one of the recitations of "pressure" previously set forth or to another such pressure being applied.

In claim 15, lines 1-2, the recitation of "uniform pressure" is vague and indefinite as to whether it refers to the recitation of "uniform pressure" previously set forth or to another such uniform pressure being applied.

In claim 16, line 3, the recitation "in which" is vague and indefinite as to what it refers; in lines 4-5, "the supports" lacks positive antecedent basis; in lines 6-9, the

recitation "which in the area of one end of the scored line of the glass sheet applied pressure to one side of the glass sheet in which the scored line is provided" renders the claim vague and indefinite since the invention is being positively defined in terms of the workpiece (i.e., the glass sheet) which is not part of the claimed invention.

In claim 17, line 3, the recitation "in which" is vague and indefinite as to what it refers; in lines 4-5, "the supports" lacks positive antecedent basis; in lines 6-9, the recitation "which in the area of one end of the scored line of the glass sheet applied pressure to one side of the glass sheet in which the scored line is provided" renders the claim vague and indefinite since the invention is being positively defined in terms of the workpiece (i.e., the glass sheet) which is not part of the claimed invention.

In claim 18, line 3, the recitation "in which" is vague and indefinite as to what it refers; in lines 4-5, "the supports" lacks positive antecedent basis; in lines 6-9, the recitation "which in the area of one end of the scored line of the glass sheet applied pressure to one side of the glass sheet in which the scored line is provided" renders the claim vague and indefinite since the invention is being positively defined in terms of the workpiece (i.e., the glass sheet) which is not part of the claimed invention.

In claim 19, lines 3-4, the recitation "the support surface [of] the glass sheet" is vague and indefinite as to what is being set forth, appears to lack positive antecedent basis, and further renders the claim vague and indefinite since the invention is being positively defined in terms of the workpiece (i.e., the glass sheet) which is not part of the claimed invention.

In claim 20, lines 3-4, the recitation "the support surface [of] the glass sheet" is vague and indefinite as to what is being set forth, appears to lack positive antecedent basis, and further renders the claim vague and indefinite since the invention is being positively defined in terms of the workpiece (i.e., the glass sheet) which is not part of the claimed invention.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over European Publication 1 334 953 (hereafter EP '953).

Regarding claim 1, EP '953 discloses a device on which every active step of the claimed method is performed including:

a process for dividing a glass sheet (e.g., 3) along a scored line (e.g., 26) produced in it, in which the glass sheet is arched by holding it down on either side of the scored line and by applying pressure to the side of the glass sheet opposite the scored line over the entire length of this scored line with a scored line located on the "convex" side of the glass sheet, characterized in that the glass sheet is pretensioned by arching with a scored line located on the convex side of the arch of the glass sheet (e.g., as shown in Figs. 15, 16 and as suggested in paragraph 0035 wherein it is described that it

is possible to use both the mechanisms 8 and the suction devices (e.g., 16) simultaneously);

[claim 2] wherein the glass sheet (e.g., 3) is pretensioned in that the glass sheet is held down on either side of the scored line (e.g., 26) by suction heads (e.g., 16) supplied with negative pressure and from the side of the glass sheet opposite the scored line pressure is applied to the glass sheet via a breaking strip (e.g., 4), the direction of the pressure applied by the breaking strip being opposite the direction of action of the suction heads;

[claim 4 (from 2)] wherein uniform pressure is applied to the glass sheet (e.g., 3) by the breaking strip (e.g., 4) over the entire length of the scored line (e.g., 26);

[claim 14 (from 2)] wherein pressure is applied to the pretensioned glass sheet (e.g., 3) in the area of its edge using a pressure tool with two pressure fingers (e.g., 9) to initiate breaking (e.g., as suggested by Figs. 15, 16 and Figs. 4-6);

[claim 3] wherein pressure is applied to the pretensioned glass sheet (e.g., 3) in the area of its edge using a pressure tool with two pressure fingers (e.g., 9) to initiate breaking (e.g., as suggested by Figs. 15, 16 and Figs. 4-6);

[claim 15 (from 3)] wherein uniform pressure is applied to the glass sheet (e.g., 3) by the breaking strip (e.g., 4) over the entire length of the scored line (e.g., 26).

Regarding claim 5, EP '953 discloses a device with almost every structural limitation of the claimed invention including:

a support (e.g., 2) for a glass sheet to be divided, in which there is a scored line, with hold-down devices (e.g., 16) provided in the area of a gap (e.g., 5) between the supports (e.g., 2) and with a breaking strip (e.g., 4) provided in the gap wherein there is a pressure tool (e.g., 9) which in the area of one end of the scored line of the glass sheet applies pressure to one side of the glass sheet in which the scored line is provided;

[claim 8 (from 5)] wherein the pressure tool (e.g., 9) can be adjusted in the direction which is normal to the support surface [of] the glass sheet using a linear motor (e.g., 8);

[claim 9 (from 8)] wherein the pressure tool (e.g., 9) is located on the piston (e.g., 10) of the linear motor (e.g. 8);

[claim 12 (from 5)] wherein the devices for holding down the glass sheet on the support surface are suction heads (e.g., 16) provided on either side of the gap (e.g., 5) between the supports;

[claim 13 (from 5)] wherein the pressure tool (e.g., 9) can be adjusted in the direction of the scored line and of the gap (e.g., 5) between the supports.

Regarding claims 16-18, EP '953 discloses a device with almost every structural limitation of the claimed invention as described for claim 5.

EP '953 lacks:

[process step from claim 1 which also implies structure capable of performing such a function with regards to claims 5 and 16-18] breaking of the glass sheet pretensioned in this way is initiated along the scored line by pressure being applied on either side of the scored line only in the area of one end of the scored line to the side of the glass sheet in which there scored line is provided.

However, pressure tools for breaking having such a configuration are old and well known in the art and provide various well known benefits including facilitating breaking more efficiently and effectively by requiring less force and by providing a more controlled break that results in a cleaner break. Allaire discloses one example of such a breaking step along with the pressure tools for performing such a step (e.g., see Fig. 7). Therefore, it would have been obvious to one having ordinary skill in the art to perform such a breaking step with such pressure tools to gain the well known benefits including those described above.

Regarding claims 6, 7, 10, 11, 19 and 20, the combination discloses a device with almost every structural limitation of the claimed invention including:

[claim 19 (from 6)] wherein the pressure tool (e.g., 9) can be adjusted in the direction which is normal to the support surface [of] the glass sheet using a linear motor (e.g., 8);

[claim 20 (from 7)] wherein the pressure tool (e.g., 9) can be adjusted in the direction which is normal to the support surface [of] the glass sheet using a linear motor (e.g., 8).

EP '953 lacks the specifics of the pressure tool configuration including:

[claim 6 (from 5)] wherein the pressure tool is made essentially fork-shaped with two fingers directed at the glass sheet;

[claim 7 (from 6)] wherein the fingers are provided on their free ends with bodies of elastic material;

[claim 11 (from 6)] wherein the fingers of the pressure tool are adjustably attached to a crosspiece;

[from claim 9] with a pivoting capacity (24);

[claim 10 (from 9)] wherein there is a spring (26) which keeps the pressure tool (20) in its neutral position;

However, the Examiner takes Official notice that pressure-applying tools having such a configuration are old and well known in the art and provide various well known benefits including a structure to efficiently and effectively apply pressure to a desired location. Therefore, it would have been obvious to one having ordinary skill in the art to provide a tool having such a configuration on the device of EP '953 to gain the well known benefits including those described above.

Further, it would have been obvious to one having ordinary skill in the art to provide pressure applying tools having such a configuration since applicant has not disclosed that having tools with such a configuration solves any stated problem or is for any particular purpose, and it appears that the breaking device would perform equally well with virtually any one of the known pressure-applying tools.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark F. Dexter whose telephone number is (571)272-4505. The examiner can normally be reached on Mondays, Tuesdays, Thursdays and Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on (571)272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/Clark F. Dexter/
Primary Examiner, Art Unit 3724**

cfd
July 2, 2008